

BEFORE THE  
PUBLIC SERVICE COMMISSION OF WISCONSIN

Alternative Telecommunications Utility-Other Telecommunications  
Provider Annual Reports for the Year Ended December 31, 2002, Filed by  
Competitive Local Exchange Carriers and Video Distance Learning Providers  
on a Confidential Basis

**INFORMATION REGARDING CONFIDENTIAL FILINGS**

**Introduction**

This information is being provided to assist competitive local exchange carriers ("CLECs" or "AECs") and certain video distance learning providers ("VDLs") who wish to request confidential handling of portions of their Alternative Telecommunications Utility-Other Telecommunications Provider ("OTH") annual reports. The statutory filing date for the OTH annual report covering 2002 calendar year operations is April 1, 2003; 128 CLEC and VDL entities are required to file this report for the 2002 calendar year. The Commission has the authority to compel the filing of this annual report pursuant to Wis. Stat. § 196.07.

**Filing Process**

The 2002 OTH annual report is contained in the 2002 Other Telecommunications Annual Report Program, which is used by various telecommunications entities other than incumbent local exchange carriers. The 2002 OTH annual report essentially requires information identical to that requested in the 2001 OTH annual report. For the 2002 OTH annual report program, which was released on January 27, 2003, the Commission has continued a paperless filing process. The 2002 OTH program contains padlocks allowing users to file selected information

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on a confidential basis by locking the padlock next to the protected data. However, padlocks are only provided for information eligible for provisional confidential treatment as set forth in the Commission's March 14, 2002, Confidentiality Determination concerning the 2001 OTH annual report. All 2002 OTH annual report filings must be accomplished via e-mail, with an encrypted, zipped attachment containing the exported 2002 annual report information, together with an export status report, edit check listing, and listing of schedules with confidential locks.

If all applicable padlocks for a particular CLEC or VDL entity's 2002 report in the program are locked, filing of the 2002 OTH annual report using the annual report program's e-mail capabilities (i.e., clicking on the "Export Data & Send to PSC" button in the program) will result in only selected portions of the entire report being unavailable on a provisional confidential basis, with remaining portions being available on a public basis. Use of this filing process requires neither the filing of a completed Confidentiality Request form nor a notarized affidavit. Any CLEC or VDL entity wishing to file additional portions of its 2002 OTH annual report on a confidential basis should contact Commission staff concerning the particular procedures which must be followed for a manual annual report filing. OTH entities wishing confidential handling in addition to that allowed in the 2002 OTH program must submit a request, in accordance with Wis. Admin. Code § PSC 2.12, with their manual filing. Subsequent to such manual filing, the Commission will issue a confidentiality determination in accordance with the rule. If the Commission denies a request for additional confidential handling, the additional information will be handled confidentially until 14 days after the determination, after which it will be posted on the Commission's website along with the remainder of the annual report.

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### **Previous Confidentiality Rulings**

In its Confidentiality Determination dated March 14, 2002, concerning the 2001 OTH annual report, provisional confidential treatment was granted for all CLEC and VDL entities with respect to the following schedules and identified information:

1. Operating Revenues Schedule (pp. 14-15)
  - a. Miscellaneous Revenues descriptions, other than Video Distance Learning and Directory appearing in the report form, contained in the Particulars column; and
  - b. Respective dollar amounts reported for the Miscellaneous Revenues category items in the columns labeled Wisconsin-Based Intrastate, Wisconsin-Based Interstate, Wisconsin-Based Total, and Total Company.
2. Central Office Data-End of Year Schedule (p. 19)
  - a. ISDN Lines-In Use (BRI);
  - b. ISDN Lines-In Use (PRI);
  - c. xDSL Lines-In use (# lines);
  - d. Switched 56 lines in use;
  - e. Digital Transmission Facilities: DS-1-In use;
  - f. Digital Transmission Facilities: DS-3-In use;
  - g. Video Information Service-In use (# lines); and
  - h. Fiber Transmission Facilities: Number of fiber strands working (LIT) in C.O.

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Eleven CLEC and/or VDL entities requested additional confidential handling of some or all of the information on the following schedules of the 2001 OTH annual report on the grounds that the information contained trade secrets, under Wis. Stat. § 134.90, and/or was information which would aid a competitor of a public utility, under Wis. Stat. § 196.14: Cover Page; Rules for Reporting; Signature Page; Table of Contents; Identification and Ownership; Income Statement-Total Company; Income Statement-Wisconsin Intrastate Operations; Total Company Balance Sheet-Assets; Total Company Balance Sheet-Liabilities and Capital; Total Company Balance Sheet-Notes; Retained Earnings-Total Company; Telecommunications Plant in Service & Accumulated Depreciation & Amortization-Wisconsin; Operating Revenues; Average Number of Subscribers; Access Expenses, Billing Expenses & Charges Imposed by Another Carrier; Central Office Data-End of Year; Assessable Revenues; Other Information; and Schedule and Report Notes.

The Commission denied the requests, finding, among other things, that they failed to provide enough specific evidence to warrant confidential handling. Subsequently, a number of companies sought judicial review or filed a petition for reconsideration and stay of the Commission's determinations. The Commission voluntarily stayed its determinations pending the outcome of those court cases, which are still pending in the Dane County Circuit Court, and/or any subsequent related Commission action.

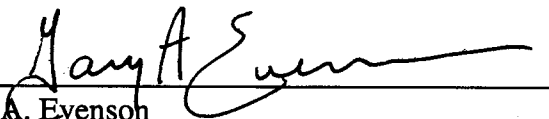
CLEC or VDL entities requesting confidential handling of additional portions of their 2002 OTH annual reports should be aware that, under Wis. Admin. Code § PSC 2.12, they have

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the burden of establishing a reasonable basis to believe that the information is exempt from disclosure under one of the grounds listed in Wis. Admin. Code § PSC 2.12(3)(a).

Dated at Madison, Wisconsin, 24 February 2003

For the Commission:

  
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Gary A. Evenson  
Acting Administrator  
Telecommunications Division

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